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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,943	01/26/2006	Antje Terno	49T-019 / REC' 2515 US (83)	8298
23400 7590 09/17/2008 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191				
EXAMINER NELSON JR, MILTON				
ART UNIT 3636		PAPER NUMBER		
MAIL DATE 09/17/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,943

Applicant(s)

TERNO ET AL.

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/26/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Information Disclosure Statement

The information referred to in Applicant's information disclosure statements has been considered as to the merits.

Preliminary Amendment

Applicant's preliminary amendments have been entered.

Restriction

Applicant's election with traverse of Group I, claims 1-11 is acknowledged. Applicant's traversal is on the grounds that a preliminary amendment filed concurrently with the election, changes the dependency of claims 12-15 to claim 1. Such is persuasive, and the requirement for restriction has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with indefinite language. Examples are as follows: Regarding claim 1, the phrase "especially" renders the claim

indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Regarding claim 1, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Regarding claim 1, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In claim 1, the phrases "or" and "and/or" fails to positively define that which Applicant intends to claim. In claim 1, the scope of the recitation "the seat as delivered having complied with specified approval regulations and accordingly having been certified" cannot be ascertained. Line 5 of claim 1 is grammatically vague due to a lack of proper punctuation. Note the recitation "so as to be stationary a data storage device". In claim 2, the phrase "which data concerning the seat have been stored" is grammatically vague. Claim 2 recites the limitation "the factory" in lines 2 to 3. There is insufficient antecedent basis for this limitation in the claim. Regarding claim 3, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In claim 4, the recitation "the data are stored permanently" is grammatically incorrect. Claim 5 is indefinite at least since it depends from an indefinite claim. Regarding claim 6, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Regarding claim 6, the phrase "may be" renders the claim indefinite because it is unclear whether the

Art Unit: 3636

limitation(s) following the phrase are part of the claimed invention. Regarding claim 7, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In claim 7, it is unclear what is represented by the term "wired". In claim 7, the scope of the term "or" cannot be ascertained. In claim 8, the scope of the phrase "the transponder principle" it cannot be ascertained. Claim 8 recites the limitation "the transponder principle" in line 2. There is insufficient antecedent basis for this limitation in the claim. Regarding claim 8, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Regarding claim 9, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In claim 9, the scope of the term "or" cannot be ascertained. In claim 9, proper antecedent basis is lacking for the phrase "the energy". Regarding claim 10, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In claim 11, the scope of the term "or" cannot be ascertained. Regarding claim 11, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Claims 12 and 13 are indefinite at least since each depends from an indefinite claim. Regarding claim 15, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Regarding claim 15, the phrase "may be" renders the

claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-10, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by May et al (6102476). Note the seat (10), backrest (12), arm rest (16), data storage device (computer components in the armrest, or the a non-erasable/non-rewritable cd for the cd-rom drive 34), read-only memory area (21), random access memory area (computer RAM), unique, unchangeable, and electronically readable ID number (the hard drive ID, which is readable from electronic means (monitor) by accessing the device manager), reading device (44), plug connection (connector between the monitor and the computer case), and unit (41) for positioning.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 103(a) as being unpatentable over May et al (6102476) in view of Dearing et al (5490710). The primary reference shows all claimed features of the instant invention with the exception of the wireless means for effecting the data transmission between the data storage device and the reading device. Note the discussion of the primary reference above. Additionally note the means (mouse 39) for effecting the data transmission between the data storage device and the reading device. The secondary reference conventionally teaches providing a mouse as a wireless mouse. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by substituting a wireless mouse for the wired mouse (39). Such adapts the means for effecting to a wireless means for effecting, wherein the wireless means provides the user with the capacity to move the means to a remote location while in use.

Allowable Subject Matter

Claims 11-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton Nelson, Jr./
Primary Examiner, Art Unit 3636

mn
September 14, 2008